

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JACKIE NICHOLAS,	)	
	)	
Plaintiff,	)	Case No.: 4:14-cv-2011
	)	
v.	)	
	)	Franklin County Circuit Court
AMERICAN MODERN SELECT	)	Case No.: 14AB-CC00015
INSURANCE COMPANY,	)	
	)	<b>JURY TRIAL DEMANDED</b>
Defendant.	)	

**NOTICE OF REMOVAL**

**PURSUANT TO** 28 U.S.C. §§ 1332, 1441, and 1446, Defendant American Modern Select Insurance Company (“Defendant”) hereby removes this action to the United States District Court for the Eastern District of Missouri. In support of its removal, Defendant states the following:

**1.** On October 28, 2014, Plaintiff Jackie Nicholas (“Plaintiff”) filed a First Amended Petition properly naming Defendant in the Circuit Court for Franklin County, Missouri, Case No. 14AB-CC00015, alleging breach of contract and vexatious refusal to pay against Defendant.

**2.** A certified copy of the entire Franklin County Circuit Court file, Case No. 14AB-CC00015 including a copy of all process, pleadings, orders, and other documents, has been attached hereto as Exhibit A.

**3.** Plaintiff is, and at all times material hereto was, a resident of Franklin County, Missouri; therefore, she is a citizen of the State of Missouri. (See Exhibit A, First Amended Petition, ¶ 1).

**4.** Defendant is, and at all times material hereto was, a corporation organized and existing under the laws of the State of Ohio with its principal place of business in Amelia, Ohio. Therefore, Defendant is not a citizen of Missouri.

**5.** Plaintiff seeks to recover an amount in excess of \$75,000.00 including actual damages, damages for vexatious refusal to pay and attorneys' fees; therefore, the amount in controversy requirement of 28 U.S.C. § 1332(a) is satisfied. (See Exhibit A, First Amended Petition, ¶ 19).

**6.** As complete diversity of citizenship exists between Plaintiff and Defendant and the amount in controversy requirement of 28 U.S.C. § 1332(a) is satisfied, removal to this Court is proper pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

**7.** Further, removal to this Court is proper pursuant to 28 U.S.C. § 1446(a) in that the action was filed in the Circuit Court of Franklin County, Missouri, which is within this district and division.

**8.** Defendant was first properly served with the Summons and First Amended Petition on November 7, 2014, and therefore, this Notice of Removal is timely filed within thirty (30) days of that date pursuant to 28 U.S.C. § 1446(b).

**9.** Promptly after filing this Notice of Removal, Defendant will give written notice thereof to Plaintiff and the Circuit Clerk for the Circuit Court for Franklin County, Missouri.

Respectfully submitted,

/s/ Corey L. Kraushaar  
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***Attorneys for Defendant  
American Modern Select Ins. Co.***

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing was mailed, first class, postage prepaid, this 5<sup>th</sup> day of December, 2014, to:

Mr. Bradley S. Dede  
Bradley S. Dede, L.L.C.  
222 S. Meramec, Suite 205  
Clayton, MO 63105

***Attorneys for Plaintiff***

/s/ Corey L. Kraushaar

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